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RECEIVED  
PATENT  
Docket No.: 10692V-000571US  
JAN 30 2004  
TECH CENTER 1600/2900

On 1/12/04

TOWNSEND and TOWNSEND and CREW LLP

By: Judith Cotlan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 27 2007

In re application of:

Michael A. Adams

Application No.: 10/043,039

Filed: October 25, 2001

For: FORMULATIONS AND  
METHODS OF USING NITRIC OXIDE  
MIMETICS AGAINST A MALIGNANT  
CELL PHENOTYPE

Examiner: Unassigned  
Art Unit: 1616  
OFFICE OF PETITIONS

PETITION TO WITHDRAW NOTICE OF  
ABANDONMENT (37 C.F.R. § 1.181(a))

RECEIVED  
MAY 28 2004  
OIPE/JCWS

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On December 12, 2003, the U.S. Patent and Trademark Office (USPTO) mailed a Notice of Abandonment indicating that the above identified patent application has been abandoned for failure to file a response to the Notice of Missing Parts. A copy of the Notice of Abandonment is attached as Exhibit A.

The above referenced application was filed on October 25, 2001 by Applicants' attorneys, the firm of Licata & Tyrrell P.C. The USPTO mailed out a Notice to File Missing Parts of Nonprovisional Application on February 12, 2002. The Notice of Missing Parts requested a signed declaration and a late oath filing fee.

On May 13, 2002, Applicants filed a Response to Notice of Missing Parts which included an executed Declaration, Petition to Extend Time and authorization for payment of the surcharge and extension fees. Also included in the filing was Applicants' Revocation of Power of Attorney and Statement Under 37 CFR 3.73(b) which included a request to change the correspondence address for this application to Customer Number 20350 (Townsend and Townsend and Crew LLP). The response to the Notice of Missing Parts was transmitted to the USPTO by U.S. Postal Service First Class Mail. A copy of the entire Response to Notice to File Missing Parts is attached as Exhibit B.

Applicants included with the filing of the Response to Notice to File Missing Parts a return receipt postcard. A copy of the postcard, stamped with the receipt dates of May 29, 2002 and May 31, 2002, is attached as Exhibit C.

Therefore, it is respectfully submitted that patent application 10/042,039 should not have gone abandoned for failure to file a response to the Notice of Missing Parts, because a response was successfully sent to the USPTO within the period for reply on May 13, 2002. In addition, a proper Revocation of Power of Attorney and request to change the correspondence address was filed with the USPTO. However, it appears that to date, the USPTO has not changed their records and it is requested that this change in correspondence address be noted.

Pursuant to 37 C.F.R. § 1.181(a), Applicants hereby request that the holding of abandonment be withdrawn in patent application 10/042,039. This petition is being filed within two months of the mailing date of the Notice of Abandonment as required by 37 C.F.R. §1.181(f).

Michael A. Adams et al.  
Application No.: 10/042,039  
Page 3

PATENT

The Applicant believes that no fees are required for this petition.  
However, if any fees relating to patent application 10/042,039 are required, please charge any fees or credit any overpayment to Deposit Account 20-1430. This petition is submitted in duplicate.

Respectfully submitted,



Joseph R. Snyder  
Reg. No. 39,381

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300

60115200 v1



## UNITED STATES PATENT AND TRADEMARK OFFICE

10642V-000521US

Page 1 of 1

DEC 15 2003

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/042,039	10/25/2001	Michael A. Adams	PTQ-0039

Licata & Tyrrell P.C.  
66 East Main Street  
Marlton, NJ 08053

DEC 23 2003

CONFIRMATION NO. 7209

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011483436\*

Date Mailed: 12/12/2003

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/12/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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MAR 27 2007

OFFICE OF PETITIONS

Please type a plus sign (+) inside this box → ☒

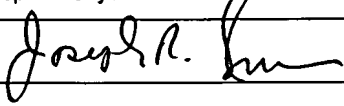
Approved for use through 10/31/2002. OMB'0651-0031


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/043,039
	Filing Date	October 25, 2001 <b>RECEIVED</b>
	First Named Inventor	Adams, Michael A.
	Group Art Unit	1616 <b>MAR 27 2002</b>
	Examiner Name	<b>OFFICE OF PETITIONS</b>
Total Number of Pages in This Submission	Attorney Docket Number	10692V-000521US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input checked="" type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Revocation of Power of Attorney or Authorization of Agent  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return Postcard  Declaration  Statement Under 3.73(b)
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm and Individual name	Townsend and Townsend and Crew LLP Joseph R. Snyder Reg. No. 39,381	
Signature		
Date	May 13, 2002	

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:		
		May 13, 2002
Typed or printed name	Sylvia E. Arnold	
Signature		Date May 13, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

WC 9041438 v1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

## Complete If Known

Application Number	10/043,039
Filing Date	October 25, 2001
First Named Inventor	Adams, Michael A.
Examiner Name	
Group Art Unit	1616
Attorney Docket No.	10692V-000521US

TOTAL AMOUNT OF PAYMENT (\$) 120

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																																																																															
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:  Deposit Account Number: <b>20-1430</b>  Deposit Account Name: <b>Townsend and Townsend and Crew LLP</b> <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.18 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>65</td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet.</td> <td></td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>147</td> <td>2,520</td> <td>147</td> <td>2,520</td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>113</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for reply within first month</td> <td>55</td> </tr> <tr> <td>116</td> <td>400</td> <td>216</td> <td>200</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>117</td> <td>920</td> <td>217</td> <td>460</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>118</td> <td>1,440</td> <td>218</td> <td>720</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>128</td> <td>1,960</td> <td>228</td> <td>980</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>119</td> <td>320</td> <td>219</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120</td> <td>320</td> <td>220</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121</td> <td>280</td> <td>221</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>138</td> <td>1,510</td> <td>138</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive - 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109	84	209	42	** Reissue independent claims over original patent																																																																																																																																																																													
110	18	210	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																													
**or number previously paid, if greater; For Reissues, see above		Other fee (specify) The Commissioner is authorized to charge any additional fees to the above noted Deposit Account. *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 120																																																																																																																																																																															

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Joseph R. Snyder	Registration No. (Attorney/Agent)	39,381
Signature		Telephone	925-472-5000
		Date	May 13, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. WC 9041439 v1

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)  
10692V-000521US

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MAR 27 2007  
OFFICE OF PETITIONS

In re Application of Michael A. Adams et al.

Application Number 10/043,039

Filed October 25, 2001

For FORMULATIONS AND METHODS OF USING NITRIC  
OXIDE MIMETICS AGAINST A MALIGNANT CELL  
PHENOTYPE

Group Art Unit  
1616

Examiner

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- |   |       |
|---|-------|
| <input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$110 |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2))           | \$    |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3))         | \$    |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4))          | \$    |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5))          | \$    |

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 55 .

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 20-1430.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). \_\_\_\_\_

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

May 13, 2002

Date



Signature

Joseph R. Snyder, Reg. No. 39,381

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

**PATENT**  
Attorney Docket No.: 10692V-000521US  
PTQ Ref.: 4997-024-01US

Assistant Commissioner for Patents  
Attn: Box Missing Parts  
Washington, D.C. 20231

On May 13, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: *Sylvia E. Arnold*

Sylvia E. Arnold

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**MAR 27 2007**  
**OFFICE OF PETITIONS**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Michael A. Adams et al.

Application No.: 10/043,039

Filed: October 25, 2001

For: FORMULATIONS AND  
METHODS OF USING NITRIC OXIDE  
MIMETICS AGAINST A MALIGNANT  
CELL PHENOTYPE

Examiner:

Art Unit: 1616

TRANSMITTAL LETTER –  
RESPONSE TO NOTICE OF MISSING  
PARTS

Attn: Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to the Notice to File Missing Parts of Nonprovisional Application,  
dated February 12, 2002, enclosed are the following to be made of record in the above-  
identified application:

- 1) Executed Declaration
- 2) Power of Attorney and Statement Under 37 C.F.R. § 3.73(b) with copies of Assignments
- 3) Petition to Extend Time (1 month)
- 4) Copy of Notice of Missing Parts

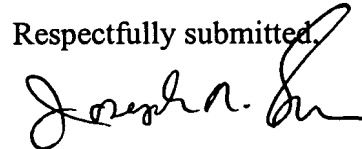


Please charge Deposit Account No. 20-1430 for the following fees:

Small Entity:	(a)	Filing Fee (§ 1.16(a)) (Small Entity)	\$0.00
	(b)	Excess Claims Fees (§ 1.16(b), (c)):	
		40 - 20 = 20                      x \$9.00 =	\$0.00
		12 - 3 = 9                        x \$42.00 =	\$0.00
	(c)	Missing Parts Surcharge	\$65.00
		<b>TOTAL FEES TO BE CHARGED</b>	<b>\$65.00</b>

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in triplicate.

Respectfully submitted,



Joseph R. Snyder  
Reg. No. 39,381

**Customer No. 20350**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 925 472-5000  
Fax: 415 576-0300  
JS:sea

WC 9041436 v1

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OFFICE OF PETITIONS

**DECLARATION**

This application is a Continuation-In-Part application of U.S. Serial No.09/842,547, filed April 26, 2001.

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

**Formulations and Methods of Using Nitric Oxide Mimetics Against a Malignant Cell Phenotype**

the specification of which was filed October 25, 2001 as Serial Number 10/042,039.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 and in particular information which has occurred between the filing date of our earlier application and the filing date of this application.

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application**

			Priority Claimed
_____	_____	_____	[ ] [ X ]
(Number)	(Country)	(Month/Day/Year Filed)	Yes No

**Prior U.S. Application**

			Priority Claimed
60/199,757	US	April 26, 2000	[ X ] [ ]
(Number)	(Country)	(Month/Day/Year Filed)	Yes No

<u>60/277,469</u>	<u>US</u>	<u>March 21, 2001</u>	Priority <u>Claimed</u> [ X ] [ ]
(Number)	(Country)	(Month/Day/Year Filed)	Yes No

<u>09/842,547</u>	<u>US</u>	<u>April 26, 2001</u>	Priority <u>Claimed</u> [ X ] [ ]
(Number)	(Country)	(Month/Day/Year Filed)	Yes No

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: ADAMS, Michael A

  
First Inventor's Signature

March 28, 2002 Canada  
Dated                      Citizenship

341 Renda Street  
Kingston, Ontario K7M 5X9  
Canada  
Residence and Post Office Address

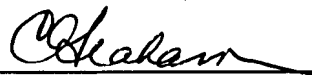
Full name of second joint inventor: HEATON, Jeremy P.W.

  
\_\_\_\_\_  
Second Inventor's Signature

24 April 2002 Canada  
Dated Citizenship

1818 MacAlpine Road, R.R. # 3,  
Gananoque, Ontario K7G 2V5  
Canada  
Residence and Post Office Address

Full name of third joint inventor: GRAHAM, Charles H.

  
\_\_\_\_\_  
Third Inventor's Signature

1 May 2002 Canada  
Dated Citizenship

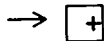
753 Allum Avenue  
Kingston, Ontario K7M 7A3  
Canada  
Residence and Post Office Address

Full name of fourth joint inventor: POSTOVIT, Lynne-Marie

Lynne-Marie Postovit  
Fourth Inventor's Signature

01/05/02 Canada  
Dated Citizenship

930 Rainbow Crescent  
Kingston, Ontario K7K 7J2  
Canada  
Residence and Post Office Address



<b>REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT</b>	Application Number	10/042,039	<b>RECEIVED</b>  <b>MAR 27 2007</b>  <b>OFFICE OF PETITIONS</b>
	Filing Date	October 25, 2001	
	First Named Inventor	ADAMS, M.A.	
	Group Art Unit	1616	
	Examiner Name		
	Attorney Docket Number	10692V-000521US	

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☒ Please change the correspondence address for the above-identified application to:

☒ Customer Number 20350

Place Customer  
Number Bar Code  
Label here

OR

☐ Firm or  
Individual Name

Address

Address

City

Country

State

ZIP

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

### SIGNATURE of Applicant or Assignee of Record

Name	R. Kerry Rowe, on behalf of Assignee, Queen's University at Kingston
Signature	
Date	May 3, 2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of forms are submitted.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Queen's University at Kingston

Application No./Patent No.: 10/042,039

Filed/Issue Date: October 25, 2001

Entitled: Formulations and Methods of Using Nitric Oxide Mimetics Against a Malignant Cell Phenotype

Queen's University at Kingston, a university

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Charles H. Graham and Lynne-Marie Postovit To: Queen's University at Kingston

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

2. From: Michael A. Adams and Jeremy P.W. Heaton To: Imajh Corporation

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

3. From: Imajh Corporation To: Queen's University at Kingston

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

May 3, 2002  
Date

  
Signature

R. Kerry Rowe  
Typed or printed name

VP Research  
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

WC 9032684 v1

RECEIVED

MAR 27 2007

OFFICE OF PETITIONS

ASSIGNMENT

The undersigned **IMAJH CORPORATION**, a corporation incorporated under the laws of the Province of Ontario, Canada, whose full post office address is 341 Renda Street, Kingston, Ontario, K7M 5X9, Canada (hereinafter "**IMAJH**") hereby assigns, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, to **Queen's University at Kingston**, of Kingston, Ontario, K7L 3N6, Canada (hereinafter **Queen's**) all IMAJH's rights, title and interest, including priority rights, in and to the invention relating to **Formulations and Methods of Using Nitric Oxide Mimetics Against a Malignant Cell Phenotype**, as set forth in U.S. Patent Application Serial No. 10/042,039, filed on October 25, 2001, in and for the United States of America, Canada, and all countries foreign thereto in its name or in any name at its election.

The undersigned hereby covenants and agrees that IMAJH will execute or procure any further necessary documents of the title to said invention and Letters Patent; and that IMAJH will, at any time, upon the request and at the expense of Queen's, execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention, or any Letters Patent which may be granted therefor, to Queen's; IMAJH will, at any time, upon the request and at the expense of Queen's, testify in any legal proceedings, sign all lawful papers, execute any additional, divisional, substituting, continuing or reissue applications for patents for said invention, or any part or parts thereof; and IMAJH will make all rightful oaths and generally do all lawful acts to aid Queen's, its successors, assigns or other legal representatives to obtain and enforce patent protection in said invention in all countries, without further compensation, but at the expense of Queen's, its successors, assigns or other legal representatives.

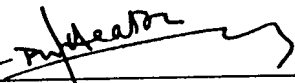
And IMAJH hereby authorizes and requests the Commissioner of Patents or the Comptroller (as the case may be) to issue any and all Letters Patent for said invention or resulting from said applications, or from any division, reissue or extension thereof, to Queen's as IMAJH's sole assignee.



In testimony whereof I have hereunto set my hand:

this 26 day of April, 2002

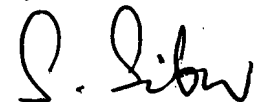
IMAJH CORPORATION

  
\_\_\_\_\_  
Jeremy P.W. Heaton  
President

**CERTIFICATE**

City of Kingston     )  
Province of Ontario)

On this 26 day of April 2002, **Jeremy P.W. Heaton**  
appeared before me in person and acknowledged the above to be his signature, and that he  
signed and delivered the above instrument as his voluntary act and deed for the purposes herein  
set forth.

  
\_\_\_\_\_  
Stephen J. Scribner  
Notary Public  
Province of Ontario

Stephen Joseph Scribner, Notary Public,  
Frontenac Board of Management, limited to the  
attestation of instruments and the taking of affidavits,  
for PARTEQ R & D Innovations.  
Expires January 9, 2004

ASSIGNMENT

Whereas we, **Michael A. ADAMS**, whose full post office address is 341 Renda Street, Kingston, Ontario K7M 5X9, Canada, and **Jeremy P.W. HEATON**, whose full post office address is 1818 MacAlpine Road, R.R. # 3, Gananoque, Ontario, K7G 2V5, Canada, have previously assigned all our rights, title and interest including priority rights, in and to our invention as set for in U.S. Patent Application Serial No. 60/199,757, filed on April 26, 2000, U.S. Patent Application Serial No. 60/277,469, filed on March 21, 2001, International Patent Application Serial No. PCT/CA01/00566, filed on April 26, 2001, and U.S. Patent Application Serial No. 09/842,547, filed on April 26, 2001, and entitled **Formulations and Methods of Using Nitric Oxide Mimetics Against a Malignant Cell Phenotype to IMAJH CORPORATION** (hereinafter "**IMAJH**"), a corporation incorporated under the laws of the Province of Ontario, Canada, whose full post office address is 341 Renda Street, Kingston, Ontario, K7M 5X9, Canada, we do hereby assign, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, to **IMAJH**, all our rights, title and interest, including priority rights, in and to our invention relating to **Formulations and Methods of Using Nitric Oxide Mimetics Against a Malignant Cell Phenotype**, as set forth in U.S. Patent Application Serial No. 10/042,039, filed on October 25, 2001, in and for the United States of America, Canada, and all countries foreign thereto in its name or in any name at its election.

We hereby covenant and agree that we will execute or procure any further necessary documents of the title to said invention and Letters Patents; and that we will, at any time, upon the request and at the expense of **IMAJH**, execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patents which may be granted therefor, to **IMAJH** or its assignee in writing, we will, at any time, upon the request and at the expense of **IMAJH**, testify in any legal proceedings, sign all lawful papers, execute any additional, divisional, substituting, continuing or reissue applications for patents for said invention, or any part or parts thereof, make all rightful oaths and generally do all lawful acts to aid **IMAJH** to obtain and enforce patent protection in said invention in all countries, without further compensation, but at the expense of **IMAJH**.

We hereby authorize and request the Commissioner of Patents or the Comptroller (as the case may be) to issue any and all Letters Patent for said invention or resulting from said applications, or from any division, reissue or extension thereof, to IMAJH, or to its assignee in writing.

This Assignment shall enure to the benefit of and be binding upon my heirs, executors, personal legal representatives and assigns, and shall enure to the benefit of IMAJH, its successors, assigns and other legal representatives.

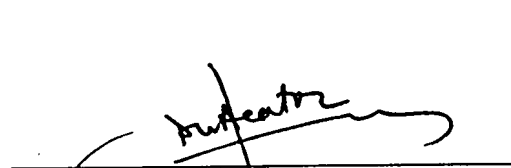
IN TESTIMONY WHEREOF I have hereunto set my hand:

this 28<sup>th</sup> day of March, 2002 M.A.

  
Michael A. Adams

IN TESTIMONY WHEREOF I have hereunto set my hand:

this 2<sup>nd</sup> day of April, 2002

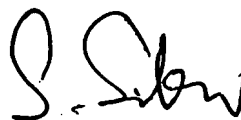
  
Jeremy P.W. Heaton



**CERTIFICATE**

City of Kingston )  
Province of Ontario)

On this 28 day of March 2002, **Michael A. Adams** appeared before me in person and acknowledged the above to be his signature, and that he signed and delivered the above instrument as his voluntary act and deed for the purposes herein set forth.




\_\_\_\_\_  
**Stephen J. Scribner**  
Notary Public  
Province of Ontario

Stephen Joseph Scribner, Notary Public,  
Frontenac Board of Management, limited to the  
attestation of instruments and the taking of affidavits,  
for PARTEQ R & D Innovations,  
Expires January 9, 2004

City of Kingston )  
Province of Ontario)

On this 26 day of April 2002, **Jeremy P.W. Heaton** appeared before me in person and acknowledged the above to be his signature, and that he signed and delivered the above instrument as his voluntary act and deed for the purposes herein set forth.



\_\_\_\_\_  
**Stephen J. Scribner**  
Notary Public  
Province of Ontario

Stephen Joseph Scribner, Notary Public,  
Frontenac Board of Management, limited to the  
attestation of instruments and the taking of affidavits,  
for PARTEQ R & D Innovations,  
Expires January 9, 2004

## ASSIGNMENT

Whereas we, **Charles H. GRAHAM and Lynne-Marie POSTOVIT**, whose full post office addresses are 753 Allum Avenue, Kingston, Ontario, K7M 7A3, Canada; and 930 Rainbow Crescent, Kingston, Ontario, K7K 7J2, Canada; respectively, have previously assigned all our rights, title and interest including priority rights, in and to our invention as set for in U.S. Patent Application Serial No. 60/199,757, filed on April 26, 2000, U.S. Patent Application Serial No. 60/277,469, filed on March 21, 2001, International Patent Application Serial No. PCT/CA01/00566, filed on April 26, 2001, and U.S. Patent Application Serial No. 09/842,547, filed on April 26, 2001, and entitled **Formulations and Methods of Using Nitric Oxide Mimetics Against a Malignant Cell Phenotype to Queen's University at Kingston**, a non-profit educational corporation, whose full post office address is Kingston, Ontario, K7L 3N6, Canada (hereinafter **Queen's**), we do hereby assign, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, to **Queen's**, all our rights, title and interest, including priority rights, in and to our invention relating to **Formulations and Methods of Using Nitric Oxide Mimetics Against a Malignant Cell Phenotype**, as set forth in U.S. Patent Application Serial No. 10/042,039, filed on October 25, 2001, in and for the United States of America, Canada, and all countries foreign thereto in its name or in any name at its election.

We hereby covenant and agree that we will execute or procure any further necessary documents of the title to said invention and Letters Patents; and that we will, at any time, upon the request and at the expense of Queen's, execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patents which may be granted therefor, to Queen's; we will, at any time, upon the request and at the expense of Queen's, testify in any legal proceedings, sign all lawful papers, execute any additional, divisional, substituting, continuing or reissue applications for patents for said invention, or any part or parts thereof, make all rightful oaths and generally do all lawful acts to aid Queen's, its successors, assigns or other legal representatives to obtain and enforce patent protection in said invention in all countries, without further compensation, but at the expense of Queen's, its successors, assigns or other legal representatives.

And we hereby authorize and request the Commissioner of Patents or the Comptroller (as the case may be) to issue any and all Letters Patent for said invention or resulting from said application, or from any division, reissue or extension thereof, to Queen's as our sole assignee.

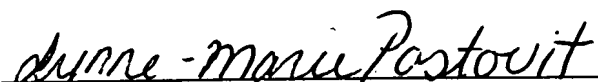
In testimony whereof I have hereunto set my hand:

this 1<sup>ST</sup> day of MAY, 2002

  
\_\_\_\_\_  
Charles H. Graham

In testimony whereof I have hereunto set my hand:

this 1<sup>ST</sup> day of May, 2002

  
\_\_\_\_\_  
Lynne-Marie Postovit

**CERTIFICATE**

City of Kingston     )  
Province of Ontario   )

On this 1 day of May 2002 appeared before me in person the above **Charles H. Graham** and acknowledged the above to be his signature, and that he signed and delivered the above instrument as his voluntary act and deed for the purposes herein set forth.



**Stephen J. Scribner**  
**Notary Public**  
**Province of Ontario**

Stephen Josephi Scribner, Notary Public,  
Frontenac Board of Management, limited to the  
attestation of instruments and the taking of affidavits,  
for PARTEQ R & D Innovations,  
Expires January 9, 2004.

City of Kingston     )  
Province of Ontario   )

On this 1 day of May 2002 appeared before me in person the above **Lynne-Marie Postovit** and acknowledged the above to be her signature, and that she signed and delivered the above instrument as her voluntary act and deed for the purposes herein set forth.



**Stephen J. Scribner**  
**Notary Public**  
**Province of Ontario**

Stephen Josephi Scribner, Notary Public,  
Frontenac Board of Management, limited to the  
attestation of instruments and the taking of affidavits,  
for PARTEQ R & D Innovations,  
Expires January 9, 2004.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/042,039	10/25/2001	Michael A. Adams	PTQ-0039

CONFIRMATION NO. 7209

## FORMALITIES LETTER



\*OC000000007465096\*

Licata & Tyrrell P.C.  
66 East Main Street  
Marlton, NJ 08053

Date Mailed: 02/12/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE

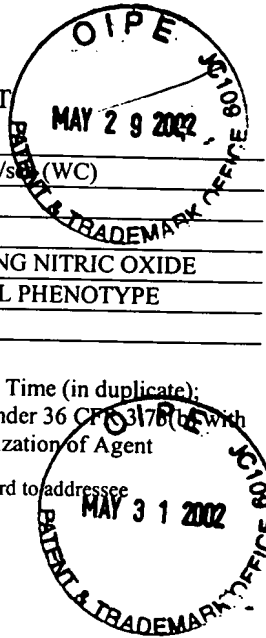


PATENT APPLICATION  
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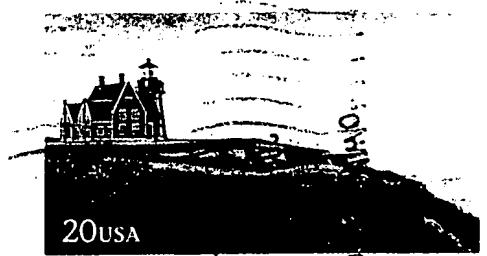
Mailing Date: 05/13/02  
File No.: 10692V-000521US Attorney: JS/sb (WC)  
Serial No. 10/042,039  
Inventor(s): Michael A. Adams *et al.*  
Title: FORMULATIONS AND METHODS OF USING NITRIC OXIDE  
MIMETICS AGAINST A MALIGNANT CELL PHENOTYPE  
Due Date: April 12, 2002 (May 12, 2002, Sunday)

Transmittal Form; Fee Transmittal (in duplicate); Petition to Extend Time (in duplicate);  
Response to Notice to File Missing Parts; Declaration; Statement Under 36 CFR 317.6 with  
copies of Assignments; Revocation of Power of Attorney or Authorization of Agent

Please stamp the date of receipt of the enclosed documents and return this card to addressee



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